IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTHDAY DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 21262 of 2001

Between:

Chandaka Venkata Ramana S/o. late Narasimhulu
R/o. 1-23-2/18, Kanapaka Village,
H/o. K.L.Puram, Vizianagarm Mandal & District.

..... PETITIONER

AND

1 The District Collector,
Vizianagaram District.
2 The Mandal Revenue Officer,
Vizianagaram Mandal, Vizianagaram District.
3 The Municipal Commissioner,
Vizianagaram Municipality, Vizianagaram District.
4 The District Medical & Health Officer,
Vizianagaram District, Vizianagaram.
5 The Joint Director of Agriculture,
Vizianagaram District, Vizianagaram.
6 The K.L.Puram Gram Panchayat, Rep. by its Executive Officer,
K.L.Puram, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the respondent authorities in constructing the slaughter house in Sy.No.119/6 at K.L.Puram of Vizianagaram Mandal as arbitrary, illegal, null and void and against the norms of the public policy and issue a consequential direction to the respondent authorities directing to shift the slaughter house from Sy.No.119/6 at K.L.Puram Village to a distant place4 from agricultural lands and water tanks in K.L.Puram Village.

Counsel for the Petitioner:MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents 1 and 2: GP FOR REVENUE

Counsel for the respondent No.3: E.Sambasiva Pratap

Counsel for the respondent No.6: D.Srinivas.

The Court made the following:

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the respondents in constructing the slaughter house in Sy.No.119/6 at K.L.Puram of Vizianagaram Mandal as arbitrary and illegal.

The case of the petitioner is that he acquired the agricultural land admeasuring Ac.2.00 in Sy.No.79/8, 115, 116, 155 of Kanapaka village H/o K.L.Puram, Vizianagaram, by virtue of the proceedings dated 02-11-1979 passed by the Revenue Divisional Officer as per the Provisions of Section 4 of the Andhra Inams (Abolition & Conversion) Act, 1956. He filed the present writ petition against the proposal of the 3rd respondent-Municipal Commissioner, Vizianagaram, to construct a slaughter house in the midst of the agricultural lands. The writ petitioner along with the neighbouring land owners made a representation dated 28-09-2001 to the respondents requesting them not to construct the slaughter house at the midst of the agricultural lands and surrounded by the water sources of irrigation for agricultural purpose and drinking purpose as the same would pollute the entire area. The grievance of the petitioner is that the representation dated 28-09-2001 submitted to the respondents is pending for consideration and without following due process of law, the respondents are going ahead with the construction of the slaughter house which is illegal and arbitrary.

On a perusal of the material available on record, it is seen that at the stage of admission of the writ petition, this Court in W.P.M.P.No.26800 of 2001 granted stay.

Though, the writ petition is pending for consideration from 2001, the respondents did not choose to file counter.

Under these circumstances, without going into the merits of the case, I deem it appropriate to dispose of the Writ petition directing the respondents to consider and dispose of the representation
dated 28-09-2001 in accordance with law within a period of eight weeks from the date of receipt of a copy of the order after giving opportunity to the parties. Till such time, the inter stay as already granted by this court shall be continued.

With the above direction, the writ petition is disposed of. No costs.

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06-07-2005

Mjl/*

To,

1 The District Collector, Vizianagaram District.
2 The Mandal Revenue Officer,
Vizianagaram Mandal, Vizianagaram District.
3 The Municipal Commissioner,
Vizianagaram Municipality, Vizianagaram District.
4 The District Medical & Health Officer,
Vizianagaram District, Vizianagaram.
5 The Joint Director of Agriculture,
Vizianagaram District, Vizianagaram.
6 The K.L.Puram Gram Panchayat, Rep. by its Executive Officer,
K.L.Puram, Vizianagaram District.

7. 2 CCS to G.P. for Revenue, High Court Buildings, Hyderabad.

8) 2 CD copies